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ORIGINALUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGANRec. #
7030-AP
MICHAEL N. KAYE
2201 S. Huron Pkwy. #3
Ann Arbor, MI 48104
Plaintiff,Case: 2:08-cv-12570
Judge: Edmunds, Nancy G
MJ: Whalen, R. Steven
Filed: 06-17-2008 At 12:49 PM
CMP MICHAEL N KAYE V. AMCM INVESTMENTS, INCORPORATED, ET AL (DSE)

vs.

ACME INVESTMENTS, INC.
2701 Troy Center Drive, Suite 450
Troy, MI 48084,

Jury demand requested

MICHAEL & LAURIE COURTNEY
1533 Pine Valley Blvd. Apt 215
Ann Arbor, MI 48104,
Defendants.

1. The defendants rented an apartment at address 1533 Pine Valley Blvd, Apt 213, Ann Arbor, MI, to plaintiff, Michael N. Kaye and his wife, Irit Kaye without ever disclosing any information that the rental property may contain lead as required by the Residential Lead-Based Paint Hazard Reduction Act of 1992:42.
2. Three months into the tenancy, plaintiff's wife became pregnant and later gave birth to our son, Eliyahu Mordechai Kaye.
3. One month before the tenancy ended on August 5, 2007, plaintiff's wife again became pregnant. This baby, Yonaton Chanael Kaye, was born March 15, 2008.
4. The tenancy lasted nearly two years with one child having been conceived, brought to full term, and lived in the residence for one full year, while a second child was conceived. All the while, the children could have been exposed to lead.
5. Upon speaking with several long-time residents of the apartment building, the plaintiff was informed that they remember that the Environmental Protection Agency had come into their apartments and performed testing. One resident claimed that she still had a hole in the wall where the EPA had drilled to test.
6. In the last month of tenancy, the plaintiff asked resident manager Lauric Courtney for a copy of any lead disclosure information he may have signed and/or a copy of any reports from the EPA. Ms. Courtney informed the plaintiff that the EPA had been to the apartment years before but said everything was fine.

7. The plaintiff contacted Mr. David Lebenbom, partner in ACME INVESTMENTS, INC, by phone several times to obtain information about any lead-based testing. Mr. Lebenbom only kept repeating to the plaintiff that there is no lead in the building. He never confirmed nor denied any past testing of lead. Mr. Lebenbom also stated that he is not required to disclose any information about lead-based paint because that only applies to properties with a federal mortgage. This is patently false.

8. The plaintiff subsequently moved from the residence and filed a complaint with the Environmental Protection Agency against both the land lord and resident property managers for their non-compliance of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992:42.

9. The rental lease not only omits any reference to Section 1018 of this Federal law, but also omits language required by both the State of Michigan and the City of Ann Arbor.

10. It should be noted that ACME INVESTMENTS, INC is owned by partners of the law firm Lebenbom & Rothman, P.C. who are Administrative attorneys.

11. Attached is a copy of a letter I sent to Mr. Lebenbom stating my complaints with him.

12. As a result of the non-compliance of the defendants, the plaintiff incurred a very large moving expense as well as time lost from work, stress on his pregnant wife, possible exposure to lead by both a child and an unborn baby, and a violation of the plaintiff's right to know about such risks posed by their building while they themselves knew it.

Mark Kye (pro se)
2201 S. Huron Pkwy. #3
Ann Arbor, MI 48104
734-837-5408

1533 Pine Valley Blvd. Apt 213
Ann Arbor, MI 48104

July 30, 2007

David Lebenbom
801 West Big Beaver Road
Suite 650
Troy, MI 48084-4725

Dear David Lebenbom,

On Monday, July 2, 2007, an eviction notice was placed on the door of my residence. I immediately called you in your home to ask why I was being evicted, you told me that it is because I am a "trouble maker" and that I "want a new refrigerator". This apparently is stemming from an argument I had with your resident property managers the Friday before about replacing my defective refrigerator (which was promptly replaced). This is obviously a case of **retaliatory eviction**, for which you have the burden of proof that it is not. In our conversation, you also mentioned that I am running a business out of our residence. You did not elaborate on this when asked. I am not running a business nor have I ever run a business from my residence. Therefore, you obviously cannot produce any evidence to support your assertion.

That evening, I researched my rights as a tenant and came to discover that not only is the eviction illegal, but that your lease is in violation of city, state, and federal laws. Nowhere on the lease is the **Michigan Truth in Renting Act**. Or Ann Arbor city code requiring several notices to be printed on the lease such as, "*Upon the execution of this lease, a tenant is entitled to receive a copy of the booklet provided by the city clerk concerning the legal rights of tenants. By executing this lease, the tenant acknowledges receipt of such a booklet prior to execution of the lease.*" Or, "**NOTICE: YOU HAVE THE RIGHT TO PRIVACY IN YOUR RENTAL HOME. CITY LAW ESTABLISHES GUIDELINES THAT THE OWNER AND HER/HIS AGENTS MUST FOLLOW BEFORE ENTERING YOUR HOME. YOU MAY INITIATE ADDITIONAL ENTRY RESTRICTIONS BY GIVING WRITTEN NOTICE TO YOUR LANDLORD. COPIES OF THESE GUIDELINES (HOUSING CODE 8:529) ARE AVAILABLE AT THE BUILDING DEPARTMENT, CITY HALL, 100 N. FIFTH AVE.**" Or other notices regarding my rights not annotated in the lease.

However, the biggest violation I discovered that evening was about your non-compliance of a federal law Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992: 42 U.S.C 4852d. You were to disclose to me the possible presence of lead-based paint used in the building and give me an informational pamphlet regarding the risks of lead-based paint. This law was made to protect the health of pregnant women and children under the age of six. Three months after our tenancy began in Ivanhoe Apartments my wife, Irit, became pregnant and later gave birth to our son, Eliyahu Mordechai, who is now celebrating his first birthday, all of which happened during our tenancy.

When I called you two other times asking you about the presence of lead-based paint and demanding copies of any tests you may have performed on the building, you accused me of trying to get out of the eviction. You never answered my questions regarding any tests but told me that you are not required to comply with the federal law because it only applies to properties with a federal mortgage. Your statement is completely false regarding the law.

I have been informed by several long-time residents here that about 10 years ago lead testing was done on the building.

Mr. Lebenbom, I will obtain the results of those tests from the laboratory, inspector, or your office by subpoena, if necessary. You denied my wife and I informed consent about the risks your building posed to our child. We would **NEVER** have assumed occupancy in your building had we known.

As a result of this, I have contacted the Environmental Protection Agency and filed a formal complaint. I also plan on filing a federal lawsuit against ACME Investments, Inc. and your Agents, Michael and Lauric Courtney for non-compliance.

July 30, 2007
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You need not take me to court for your illegal eviction as I am vacating the premises on July 31, 2007 and relocating to lead-free housing.

Sincerely,

Michael N. Kaye

CIVIL COVER SHEET

County in which action arose WASHTENAW

US 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MICHAEL N. KAYE
2201 S. Huron Pkwy. #3
Ann Arbor, MI 48104

(b) County of Residence of First Listed Plaintiff WASHTENAW
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

ACME INVESTMENTS, INC.
2701 Troy Center Drive, Suite 450
Troy, MI 48084

MICHAEL & LAURIE COURTNEY
1533 Pine Valley Blvd. Apt 215
Ann Arbor, MI 48104

County of Residence of First Listed Defendant OAKLAND

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

DAVID LEBENBOM
801 W. BIG BEAVER ROAD, STE 650
TROY, MI 48084-4725

(c) Attorney's (Firm Name, Address, and Telephone Number)
MICHAEL N. KAYE
2201 S. Huron Pkwy. #3
Ann Arbor, MI 48104 734-837-5408

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff)

Citizen c Case: 2:08-cv-12570 DEF
Judge: Edmunds, Nancy G
MJ: Whalen, R. Steven

Citizen c Filed: 06-17-2008 At 12:49 PM J 4
CMP MICHAEL N KAYE V. AMCME INVESTMENTS, INCORPORATED, ET AL (DSE) J 5

Citizen c Foreign J 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 890 Cable/Sat TV	<input type="checkbox"/> 490 Selective Service
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	REAL PROPERTY	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 193 Contract Product Liability		CIVIL RIGHTS	<input type="checkbox"/> 862 Black Lung (923)	12 USC 3410
<input type="checkbox"/> 196 Franchise		PRISONER PETITIONS	<input type="checkbox"/> 863 OJWC/OJWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	Habeas Corpus:	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input checked="" type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 871 IRS Third Party	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights			
		IMMIGRATION		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Residential Lead-Based Paint Hazard Reduction Act of 1992:42 U.S.C 4852d

Brief description of cause:

I am suing the landlord and resident property managers for not informing me of the risks their apartment posed to my family.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 100,000 CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Michael Kaye (Pm 32)

June 17, 2008

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
